

Attachment 1

CITY OF WESTMINSTER RESOLUTION NO. XXXXX

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF WESTMINSTER, CALIFORNIA, APPROVING CASE NO. 2024-0277 FOR A DEVELOPMENT REVIEW TO CONSTRUCT A NEW APPROXIMATELY 69,498-SQUARE-FOOT INDUSTRIAL WAREHOUSE BUILDING WITHIN THE C-M (COMMERCIAL-INDUSTRIAL) ZONING DISTRICT, AND AN ADMINISTRATIVE ADJUSTMENT TO ALLOW A BUILDING HEIGHT INCREASE OF UP TO 10% ABOVE THE 35-FOOT HEIGHT LIMIT, LOCATED AT 7474 GARDEN GROVE BOULEVARD (APN 096-021-14)

WHEREAS, the authorized agent, Seventh Street Development, on behalf of the applicant and property owner, 7474 BP, LLC, submitted Development Review and Administrative Adjustment applications (Case No. 2024-0277) requesting to construct a new industrial warehouse building within the C-M zoning district, located at 7474 Garden Grove Boulevard (APN 096-021-14); and

WHEREAS, as the Lead Agency, the Planning Division has completed an initial environmental assessment of the above matter in accordance with the California Environmental Quality Act (CEQA) and the City's guidelines for the implementation of CEQA and recommends that the City Council determine the project is categorically exempt from further CEQA review under Section 15332, Class 32, In-Fill Development Projects; and

WHEREAS, on March 5, 2025, the Planning Commission of the City of Westminster, California held a duly noticed public hearing on the subject applications (Case No. 2024-0277), considered written and oral comments, and facts and evidence presented by the applicant, City staff, and other interested parties, and adopted Planning Commission Resolution No. 25-002 approving Case No. 2024-0277, subject to conditions of approval; and

WHEREAS, on March 17, 2025, the appellant, the Supporters Alliance for Environmental Responsibility (SAFER) filed an appeal in accordance with Westminster Municipal Code (WMC) Chapter 17.640, challenging the Planning Commission's approval of Case No. 2024-0277; and

WHEREAS, a notice of public hearing describing the project, date, time, and location of the hearing was mailed on March 28, 2025, to all property owners of record and occupants within a 500 foot radius of the project boundaries at least 10 days prior to the hearing date. A notice was also posted at the City Council Chambers, City Hall,

Westminster Branch Library, Community Services and Recreation Building, and on the city's website; and

WHEREAS, on April 9, 2025, the Mayor and City Council of the City of Westminster, California held a duly noticed public hearing on the subject applications (Case No. 2024-0277), considered written and oral comments, and facts and evidence presented by the applicant, City staff, and other interested parties; and

WHEREAS, the Mayor and City Council, after careful consideration of all statements and evidence presented, has determined that the project and associated applications meet the intent and purpose of the City's General Plan and Zoning Ordinance and will not impair the public health, safety, and general welfare.

NOW THEREFORE, THE MAYOR AND CITY COUNCIL OF THE CITY OF WESTMINSTER, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. Incorporation of Recitals. The Mayor and City Council of the City of Westminster, California, hereby finds that the foregoing recitals are true and correct and are incorporated herein as substantive findings of the Commission.

SECTION 2. CEQA. The Mayor and City Council finds that the proposed industrial warehouse development is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines, Article 19, Section 15332, Class 32, for In-Fill Development Projects, as a result of meeting five established conditions that demonstrate no features or unusual circumstances distinguish the project from others in exempt classes that would disqualify the project. Class 32 specifically exempts from environmental review in-fill development where: 1) the project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations; 2) the proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses; 3) the project site has no value as habitat for endangered, rare, or threatened species; 4) approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality; and 5) the site can be adequately served by all required utilities and public services. The applicant submitted, and the City accepted, a CEQA technical memorandum documenting how the project meets the required criteria for eligibility under the Class 32 In-Fill Development Projects, categorical exemption.

SECTION 3. Required DR Findings. Pursuant to Section 17.520.020 of the Westminster Municipal Code ("WMC"), the Mayor and City Council makes the following specific findings of fact related to the granting of the Development Review.

A. The proposed development will not be detrimental to the public health, safety and welfare.

The proposed development will be designed and constructed in accordance with all applicable building, fire, and accessibility codes, ensuring a safe and secure industrial

facility. The building will include automatic fire sprinklers, fire-resistant construction materials, and adequate emergency access in compliance with the latest fire and life safety regulations. Additionally, the project will meet current seismic safety standards. The project's construction and operational air emissions will remain below South Coast Air Quality Management District (SCAQMD) thresholds, ensuring no significant air quality impacts. Accessibility features such as ADA-compliant parking, pathways, and entryways will also be incorporated to accommodate individuals with disabilities. Therefore, the proposed development will not be detrimental to the public health, safety, and welfare.

- B. The proposed development is in full compliance with this Title, including with the design guidelines manual.*

The proposed project complies with all applicable zoning, development, and design standards outlined in WMC Title 17 (Zoning Code), with the exception of building height, which is addressed through an Administrative Adjustment. The C-M (Commercial-Industrial) zoning allows for light industrial uses, and the project meets required parking, landscaping, and site design standards. The proposed building incorporates architectural articulation, varied materials, and massing techniques to align with the City's Industrial Design Guidelines, ensuring an attractive and functional design. The requested height adjustment is justified by industry standards for warehouse facilities and will not negatively impact surrounding properties. Therefore, the proposed development is in full compliance with this Title, including with the Design Guidelines Manual.

- C. The proposed development will not adversely affect the General Plan and any applicable Specific Plan and it is consistent with the General Plan.*

The site is designated Industrial in the General Plan Land Use Element, which allows for medium and light industrial uses such as manufacturing, warehousing, and research and development, provided they are conducted indoors or adequately screened. The proposed development is consistent with this designation and is designed to accommodate a range of permitted light industrial activities. Although a specific tenant has not been identified, the project's design and operational characteristics ensure compatibility with the intended land use. The CEQA environmental analysis confirmed that all potential land use scenarios would remain within acceptable air quality and noise thresholds, ensuring no adverse impacts. Therefore, the proposed development is consistent with the General Plan and will not adversely affect any applicable Specific Plan.

- D. The existing or proposed public facilities necessary to accommodate the proposed project (e.g., fire protection devices, parkways, public utilities, sewers, water, sidewalks, storm drains, street lights, traffic control devices, and the width and pavement of adjoining streets and alleys) will be available to serve the subject site.*

The project site is located within a fully urbanized area with access to established public infrastructure and utilities, including water, sewer, storm drains, and electrical services, all of which are adequate to support the proposed development. The project has been designed to connect to existing public streets and sidewalks, ensuring safe pedestrian and vehicular circulation. Fire and emergency services are readily available, and the site will be equipped with fire protection devices such as sprinklers and hydrants per the Fire Code. Additionally, the development will comply with stormwater management regulations, ensuring proper drainage and water quality control. Therefore, the existing or proposed public facilities necessary to accommodate the project will be available to serve the subject site.

SECTION 4. Required AA Findings. Pursuant to WMC Section 17.555.020, the Mayor and City Council makes the following specific findings of fact related to the granting of the Administrative Adjustment.

- A. The strict application of the applicable development standard creates an unnecessary, involuntarily created hardship or unreasonable regulation that makes it obviously impractical to require compliance with the development standards.*

The strict application of the 35-foot height limit creates an unnecessary hardship, as modern warehouse facilities require a 32-foot interior clearance to accommodate efficient storage, racking systems, and operational needs. Meeting this standard while incorporating structural, mechanical, and drainage requirements makes strict compliance impractical. The requested height increase of up to 37'-9" is minimal, remains within the 10% Administrative Adjustment allowance, and is necessary for the building to function as intended. The design ensures the additional height is integrated seamlessly into the structure without negatively impacting the surrounding area.

- B. Approval of the administrative adjustment would not be detrimental to the public health, interest, safety, or general welfare and would not be detrimental or injurious to property or improvements in the vicinity and in the same zoning district.*

The requested height adjustment remains within the allowable 10% increase and will not negatively impact surrounding properties or public welfare. The tallest point of the building's height occurs within the center of the building, with portions of the structure remaining below the height limit due to site grading, reducing any visual impact. Additionally, the project complies with all other zoning and development standards, ensuring it integrates well with the surrounding industrial area. The height increase does not introduce health, safety, or compatibility concerns. Therefore, approval of the administrative adjustment is appropriate.

- C. The project is consistent with the General Plan and complies with all other applicable provisions of this Title.*

The project site is designated Industrial in the General Plan, which allows for a variety of light and medium industrial uses, including warehousing and manufacturing. The

proposed development conforms with General Plan policies by promoting economic growth and efficient land use within an industrially zoned area. The project complies with all applicable zoning code requirements, including parking, landscaping, and site design standards. Additionally, the building's design adheres to the City's Industrial Design Guidelines, ensuring a high-quality and visually compatible development. Therefore, the project is consistent with the General Plan and complies with all other applicable provisions of this Title.

SECTION 5. The Mayor shall sign as to the passage, approval, and adoption of this Resolution.

SECTION 6. The City Clerk shall certify to the passage and adoption of this resolution and shall affix their signature and City Seal and that same shall be entered into the Book of Resolutions.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council hereby approves Case No. 2024-0277 and grants the Development Review and Administrative Adjustment requests, subject to compliance with the Westminster Municipal Code and the following conditions of approval:

1. The applicant and the property owner agree to indemnify and hold the City harmless from and against any claim, action, damages, costs (including, without limitation, attorney's fees), injuries, or liability, arising from the City's approval of Case No. 2024-0277. Should the City be named in any suit, or should any claim be brought against it by suit or otherwise, whether the same be groundless or not, arising out of the City's approval of this project, the applicant agrees to defend the City (at the City's request and with counsel satisfactory to the City) and will indemnify the City for any judgment rendered against it or any sums paid out in settlement or otherwise. For the purposes of this section "the City" includes the City of Westminster's elected officials, appointed officials, officers, and employees.
2. The property owner affected by the proposed project acknowledges all of the conditions of approval and accepts this resolution subject to those conditions and with full awareness of the provisions of Westminster's Municipal Code. These conditions are binding to all future property owners of the subject property.
3. The development and/or use shall conform to all applicable provisions of the Westminster Municipal Code and shall conform to the requirements of the Subdivision Map Act when applicable.
4. The subject property shall be developed in substantial conformance with the approved plans as reviewed by the City Council, Planning Commission, and Planning Division, unless revised or modified by the approving body pursuant to WMC Section 17.510.035.

5. The subject entitlements (Case No. 2024-0277) may be modified or revoked by the City should it be determined, after notice and a hearing as consistent with Chapter 17.650 of the Municipal Code, that the proposed use or conditions under which it was permitted are detrimental to the public health, welfare, or materially injurious to property or improvements in the vicinity or if the use is maintained as to constitute a public nuisance.
6. The approval shall expire one year from the date of approval if the use has not been exercised, unless a time extension is requested and granted pursuant to WMC Section 17.510.030.

Prior to the issuance of any grading or building permit:

7. The applicant shall revise the project plans to adjust the height, location, and/or placement of the roof parapets as necessary to fully screen all mechanical equipment and any exposed sides of the parapet from public view, subject to review and approval by the Community Development Director. (PLNG)
8. The applicant or responsible party shall submit the plans listed below to the Orange County Fire Authority for review and obtain OCFA approval: fire master plan (service code PR145); chemical classification packet (service codes PR315-328); HPS Plans (service code PR330); underground piping (service codes PR470-PR475); fire sprinkler system (service codes PR400-PR465); and fire alarm system (service codes PR500-PR530). (OCFA)
9. The applicant shall submit a Grading Plan and supporting documents for review and approval of the City Engineer. Plan shall use City of Westminster Title Block and shall be prepared by developer's Registered Civil Engineer. When plan check is complete, the Applicant shall submit three sets of final Plan for approval and signature of the City Engineer. (PW)
10. The applicant shall construct the following Public Works Improvements (per approved plans & City Standards) and indicate these improvements on the grading plans/improvement plans. Additional improvements may be required during grading plan check; see City of Westminster Grading Plans/Utility Plans Submittal requirement.
 - Construct new sidewalk per City Std. 203 only where sidewalk is damaged or requiring replacement due to the elimination of the east driveway.
 - Garden Grove Blvd. is under moratorium:
 - If only street disruption is water connection to the main water line (located at about 20 ft North of property line): Grind and cap 2" of AC: full lane width of number 3 lane, for property frontage.
 - If street is damaged outside of number 3 lane: Grind and cap 2" of AC to the center line of street for property frontage.
 - If the bus pad is damaged: Remove and replace it to the nearest joint per OCTA standard (figure 19, type 1A).

- Backfill per City Std 609 for all utility connections. (PW)
11. The applicant shall construct the following On-Site Improvements (per approved plans & City Standards) and indicate these improvements on the plan:
 - On-site parking shall be per City Std. 509
 - Water quality BMPs per approved WQMP (PW)
 12. The applicant shall execute an “Agreement for Grading and Street Improvements” for construction of improvements and post the following Surety Bonds or an equivalent cash deposit in the amount to be determined based upon a cost estimate for grading and street and utility improvement work.
 - Provide detailed cost estimate for on-site earthwork, drainage, water quality related improvements, erosion and sediment control, removal of proposed structures, and all off-site public improvements.
 - Provide Performance Bond – 100% of cost estimate
 - Provide Labor and Material Bond – 100% of cost estimate (PW)
 13. Prior to the commencement of any work in the public right-of-way, the applicant shall obtain an Encroachment Permit and shall make arrangements for inspection by the City of Westminster. (PW)
 14. Prior to the issuance of any grading or building permits for projects that will result in soil disturbance of one or more acres of land, the applicant shall demonstrate that coverage has been obtained under California’s General Permit for Stormwater Discharges Associated with Construction Activity by providing a copy of the Notice of Intent (NOI) submitted to the State Water Resources Control Board and a copy of the subsequent notification of the issuance of a Waste Discharge Identification (WDID) Number. Projects subject to this requirement shall prepare and implement a Stormwater Pollution Prevention Plan (SWPPP). A copy of the current SWPPP shall be kept at the project site and be available for City review upon request. (PW)
 15. For priority projects, as defined by the Orange County Stormwater Program, the applicant shall submit to the City for review and approval a Water Quality Management Plan (WQMP) that:
 - Discusses regional or watershed programs (if applicable);
 - Identifies selected LID and Hydromodification (as applicable) BMPs;
 - Identifies any applicable waivers, alternative programs, and Treatment Control BMPs;
 - Incorporates the applicable Source Control BMPs;
 - Describes long-term operation and maintenance requirements for BMPs;
 - Identifies the entity that will be responsible for long-term operation and maintenance of the BMPs; and
 - Describes the mechanism for funding the long-term operation and maintenance of the BMPs. (PW)

16. The Project WQMP shall be approved prior to issuance of grading permit. (PW)
17. The applicant shall process a Lot Line Adjustment (LLA) to eliminate any lot lines that the proposed building crosses, as determined by the City Engineer or designee. (PW)
18. Vacate easements identified as Easement 8 (6' for Edison per Book 3628, Page 347), Easement 11, and Easement 12, or any other easements that conflict with the proposed development, as determined by the City Engineer or designee. (PW)

Prior to the issuance of Certificate of Occupancy:

19. For priority projects, as defined by the Orange County Stormwater Program, prior to grading or building permit close-out and/or the issuance of a certificate of use or a certificate of occupancy, the applicant shall:
 - Demonstrate that all LID and other structural best management practices (BMPs) described in the Project WQMP have been constructed and installed in conformance with approved plans and specifications;
 - Demonstrate that applicant is prepared to implement all non-structural BMPs described in the Project WQMP;
 - Demonstrate that an adequate number of copies of the project's approved final Project WQMP are available for the future property occupants; and
 - Submit for review and approval an Operations and Maintenance (O&M) Plan for all structural BMPs (optional if included in final Project WQMP). (PW)
20. The property owner shall dedicate public right-of-way easements for water and sewer infrastructure as required by the Public Works Department Water Division and Midway City Sanitary District. All dedications shall be completed to the satisfaction of the City Engineer and relevant agencies. (PW)
21. Prior to obtaining permit close-out and/or any type of occupancy, the applicant shall demonstrate that a Master Covenant and Agreement Regarding O&M Plan to Fund and Maintain Water Quality BMPs and all required items were recorded at the County Recorder's office. (PW)

Prior to the issuance of tenant improvement permits:

22. Prior to the issuance of building permits for tenant improvements, the future tenant shall submit a traffic analysis demonstrating that anticipated traffic volumes are consistent with the assumptions in the Fehr & Peers Trip Generation Study (dated January 22, 2025). If traffic volumes exceed the thresholds for Level of Service (LOS) or Vehicle Miles Traveled (VMT) assessments, the tenant may be required to submit a supplemental traffic study and implement any necessary mitigation measures, subject to City approval. (PLNG)

Ongoing operations and maintenance:

23. The building shall be occupied by a land use consistent with the warehousing and distribution facility parking standard of 1 space per 1,000 square feet. Any future tenant proposing a land use with a higher parking requirement, such as industrial or manufacturing establishments, must demonstrate compliance with applicable parking standards or obtain a parking exception pursuant to WMC Chapter 17.320, subject to separate City approval. (PLNG)
24. The fenced rear yard area shall not be used for unscreened storage of materials, equipment, or containers for 72 hours or more. Any storage or operational activity exceeding this timeframe must be fully screened from public view, comply with all applicable zoning regulations, and receive prior approval from the Planning Division, which may require additional applications, fees, and City review. (PLNG)
25. The fenced yard at the rear of the property shall be maintained in a clean and orderly manner at all times to ensure compatibility with the surrounding area and to prevent visual impacts from the SR-22 freeway. (PLNG)

PASSED, APPROVED, AND ADOPTED this 9th day of April, 2025.

CITY OF WESTMINSTER

Chi Charlie Nguyen
Mayor

ATTEST:

Ashton R. Arocho, MMC
City Clerk

APPROVED AS TO FORM:

Scott E. Porter
City Attorney

**CITY OF WESTMINSTER
CITY CLERK'S OFFICE**

**CERTIFICATION
OF
RESOLUTION**

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss.
CITY OF WESTMINSTER)

I, Ashton R. Arocho, MMC, City Clerk of the City of Westminster, California, do hereby certify that the foregoing Resolution No. _____ was duly passed, approved, and adopted by the City Council of the City of Westminster at a Regular Meeting held on the 9th day of April 2025, with the following vote:

AYES: COUNCILMEMBERS:
NOES: COUNCILMEMBERS:
ABSENT: COUNCILMEMBERS:
ABSTAIN: COUNCILMEMBERS:

Ashton R. Arocho, MMC
City Clerk